

Notice of Allowability	Application No.	Applicant(s)	
	10/788,859	BAKSHI ET AL.	
	Examiner	Art Unit	
	Andrew B. Freistein	1626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 2/28/06.
2. ☒ The allowed claim(s) is/are 1-4, 6-24, 26, 27, 30, 38-40, 47 and 48 (now 1-31).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|--|---|

DETAILED ACTION

Claims 1-4, 6-40 and 47-48 are currently pending. Claims 5 and 41-46 were cancelled.

Claim Rejections - 35 USC § 102

Claims 1-4, 6, 7, 14, 15 and 30 were rejected under 35 U.S.C. 102(b) as being anticipated by Levi et al, US 2003/0153556. As a result of the claim amendment filed 2/28/2006, which limits the definition of "heteroaryl" in claim 1 and all dependent claims, the rejection has been overcome and is therefore withdrawn.

Claim Rejections - 35 USC § 102

Claims 38-40 were rejected under 35 U.S.C. 102(b) as being anticipated by Levi et al, US 2003/0153556. As a result of the claim amendment filed 2/28/2006, which limits the definition of "heteroaryl" in claim 1, upon which claims 38-40 depend, the rejection has been overcome and is therefore withdrawn.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given during a telephone interview with Attorney Baerbel Brown on March 10, 2006.

This application has been amended as follows:

1. Cancel claims 25, 28, 29, 31, 32, 33, 34, 35, 36 and 37.

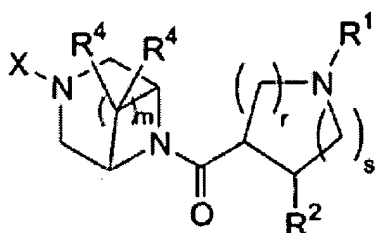
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2. In claim 26, after, "A method for the treatment", delete "or prevention" and after, "therapeutically", delete "or prophylactically".

3. In claim 27, after, "A method for the treatment", delete "or prevention" and after, "therapeutically", delete "or prophylactically".

Reasons for Allowance

The instant invention is drawn to a compound of the formula (I),



, wherein m is 0; s is 1; r is 1 or 2; and R² is phenyl or

naphthyl; a pharmaceutical composition comprising a compound of formula (I), and a method of treating obesity and diabetes with a compound of formula (I).

The closest relevant art is of record.

Telephone Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew B. Freistein whose telephone number is (571) 272-8515. The examiner can normally be reached Monday-Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph M^cKane can be reached on (571) 272-0699. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

Andrew B. Freistein
Patent Examiner, AU 1626

Joseph K. McKane
Supervisory Patent Examiner, AU 1626
Date: March 13, 2006

A handwritten signature in black ink, appearing to read 'G. M. Shameem', with a stylized, cursive script.

GOLAM M. M. SHAMEEM, PH.D
PRIMARY EXAMINER